

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Meeting Notice
Thursday, December 17, 2009, 7:30 PM
Council Chambers, Third Floor
Memorial Building, Vernon Town Hall
14 Park Place
Rockville/Vernon, CT

RECEIVED
VERNON TOWN CLERK
10 MAR 11 PM 6:46

1. Call to Order & Roll Call

- **Meeting was called to order at 7:33 P.M.**
- **Regular Members Present:** Lester Finkle, Chester Morgan, Watson Bellows, Francis Kaplan, Keith Lauzon, Walter Mealy. Sarah Iacobello entered the meeting at 7:34 P.M
- **Alternate Members Present:** Stanley Cohen and Charles Bardes. Stanley Cohen to sit for Sarah Iacobello.
- **Staff Present:** Leonard Tundermann, Town Planner, Terry McCarthy, Town Engineer.
- **Recording Secretary:** James Krupinski

2. Administrative Actions/ Requests

2.1 Dialog with Mayor Jason McCoy

- **Mayor Jason McCoy spoke about application PZ-2009-21;**
 - **Discussed the current fiscal status of the Town and the State;**
 - **Spoke to supporting upcoming development plans coming before the commission;**
 - **Requested the commission to assist in bring development to town and streamlining the application review process;**
- **Watson Bellows suggested the possibility of linking resident jobs to approved applications.**

2.2 Communications received NOT related to Agenda items

- **None**

2.3 Amendment / Adoption of Agenda - Additional business to be considered under agenda item #6 "Other Business"

- **Chester Morgan, seconded by Walter Mealy moved a Motion to Adopt the Agenda. Motion carried unanimously.**
- **Sarah Iacobello entered at 7:34 P.M. Stanley Cohen returned to Alternate.**

2.4 Acceptance of Minutes

- **None**

2.5 Election of officers: Chairman, Vice Chairman, Secretary

- **Chester Morgan, seconded by Walter Mealy moved a Motion for Vote by Paper Ballot for any multiple nominations. Motion carried unanimously.**

Chairman Nomination

- **Chester Morgan, seconded by Walter Mealy nominated Lester Finkle for Chairman. Commissioner Finkle accepted the nomination.**

- No additional nominations were made. Nomination for Chairman was closed.

Vice-Chairman Nomination

- Walter Mealy nominated Watson Bellows for Vice-Chairman. Commissioner Bellows accepted the nomination.
- Francis Kaplan nominated Chester Morgan for Vice-Chairman. Commissioner Morgan accepted the nomination.
- No additional nominations were made. Nomination for Vice-Chairman to be held on Paper Ballot.

Secretary Nomination

- Chester Morgan nominated Francis Kaplan for Secretary. Commissioner Kaplan accepted the nomination.
- No additional nominations were made. Nomination for Secretary was closed.

PAPER BALLOT VOTE FOR VICE-CHAIRMAN

- Two (2) votes were cast for Commissioner Bellows. Four (4) votes were cast for Commissioner Morgan. One (1) ballot was disqualified due to both nominees being marked.
- Commissioner Morgan was elected as Vice-Chairman.

3. Public Hearings

3.1.1 Application [PZ-2009-21] of Ray Seraphin for a Special Permit/ Site Plan of Development for a Building Addition for Vehicle Repair and Maintenance at #100 Windsor Avenue. (Assessor's ID: Map #7, Block #30, Lot/Parcel #74A)

- Leonard Tundermann, Town Planner read the Legal Notice into the record.
- Mark Peterson, Gardner & Peterson Associates, Tolland, CT representing the applicant.
 - Proposing a three (3) bay garage addition from repair and maintenance.
 - Minimal runoff expected with the addition proposed on existing impervious surface.
 - Reviewed plan for removal of waste oil and materials from the site.
 - Erosion and Sediment Controls would be in place for the proposed construction area.
- Watson Bellows questioned the ability to relocate the proposed addition on site and reviewed Special Permit requirements. It was requested that the applicant include the sewer line detail for the full extent of the site.
- Chester Morgan commented on a memorandum from Harold Cummings to David Ignatowicz.
- Walter Mealy indicated that he would like to see the Hold Harmless Agreement prior to action on the application.
- **Staff Input**
- Leonard Tundermann, Town Planner reviewed the Application Staff Report dated December 10, 2009.
 - Application could have impact to the aquifer.
 - Commission would need to make findings under §17.3 for Special Permits and §20.4.1 for Aquifer Protection.
 - Town Counsel has been directed to Draft Hold Harmless Agreement for the January 7, 2010 meeting. Staff to supply Draft Motion for Approval.

- **Walter Mealy requested insurance information and non-hydraulic lift be utilized per the Water Pollution Control Authority minutes of May 28, 2009.**
- **Discussion took place regarding supplemental Hold Harmless Agreement and applicability to possible damage to the underground sewer line.**
- **Terry McCarthy, Town Engineer indicated that he has met with the Water Pollution Control Director regarding the Trunk line and they do not foresee any impact to it.**
- **Walter Mealy, seconded by Francis Kaplan moved a Motion to Continue the Application to the January 7, 2010 meeting. Motion carried unanimously.**

3.1.2 Application [PZ-2009-24] of Lauren Murphy for a Special Permit for an Independent Massage Therapy Practice at #45 Hartford Turnpike (Assessor's ID: Map #01, Block #158, Lot/Parcel #3E)

- **Leonard Tundermann, Town Planner read the Legal Notice into the record.**
- **Justin Murphy of Kahan, Kerensky and Capposela representing the applicant.**
 - **Utilizing 240 sq/ft area in existing office building;**
 - **Has received authorization by the Building owner;**
 - **Currently hold required insurance and State certifications;**
 - **Single client in space at any time with up to four (4) clients per day.**
- **Chester Morgan questioned the hours of operation. Applicant indicated 9:00 A.M. to 9:00 P.M., with typical closing time of 5:00 P.M.**
- **Charles Bardes questioned if clients would be by appointment only. Applicant indicated they would be mostly by appointment.**
- **Staff Input:**
- **Leonard Tundermann, Town Planner indicated that commission needs to make the findings of compliance with §4.9.4.23 and relevant three (3) subsections for Special Permit.**
- **Public Comment**
- **Linda Morhardt questioned the possibility of walk-in appointments to the business in the future.**
- **Public testimony was closed at 8:40 P.M.**
- **Justin Murphy indicated that it was anticipated clients would be by appointment but may remain later to assist with walk-ins.**
- **Watson Bellows was concerned with walk-in appointments after regular hours.**
- **Public Hearing was closed at 8:42 P.M.**
- **Watson Bellows, seconded by Chester Morgan moved a Motion to Approve the Application with the finding that it complies with §17.3 of the Zoning Regulations and §4.9.4.23 and subsections 4.9.4.23.1, 4.9.4.23.2 and 4.9.4.23.3. Motion carried unanimously.**
- **Five (5) minutes recess at 8:44 P.M.**
- **Meeting reconvened at 9:07 P.M.**

3.1.3 Application [PZ-2009-26] of Ticket Network LLC for a Special Permit/Site Plan of Development for a Commercial Recreational Facility at #60 South Frontage Road (Assessor's ID: Map #29, Block #134, Lot/Parcel # 00001)

- Leonard Tundermann, Town Planner read the Legal Notice into the record.
- Attorney Dorian R. Famiglietti of Kahan Kerensky & Capossela representing the Applicant.
 - Questioned for the record if Commissioner Iacobello considered the proximity of her residence to the proposed development site for any conflict of interest.
- Commissioner Iacobello stated that she can be impartial based on no impact to her residence and was not considering recusing from the application.
- Attorney Dorian R. Famiglietti reviewed proposed site;
 - In a commercial Zone;
 - Total Site encompasses 39 acres of which 9 acres would be developed;
 - Seeking Special Permit approval for a Commercial Recreational Facility;
 - Proposing an Outdoor Seasonal Stage for concerts that would run from May to October. Approximately 20 events per season.
 - Music styles- Country or Classic Rock.
 - Concerts proposed to be scheduled on Fridays, Holidays and Weekends;
 - Holidays – Memorial Day, July 4th and Labor Day. Would not include Columbus Day.
 - Proposing to be held between 7:00 P.M. and Midnight. Hours were determined after the on-site audio test;
 - Proposed lawn seating area of 90,000 sq/ft with no permanent seating;
 - Portable facilities and concession stands only;
 - Have received the Director of Public Health approval to portable toilets on site;
 - Temporary stage erected at season start and removed at the end of the season;
 - Require State Traffic Commission Permit approval for Major Traffic Generator is required.
 - Proposing parking of 828 parking spaces and a maximum of 2070 attendees;
 - In agreement with memorandum from James Kenny, Police Chief regarding security issues;
- Eric Peterson, Gardner & Peterson Associates:
 - Reviewed proposed site plan of proposed improvements;
 - Public Water and electricity would be supplied to the utility shed on site;
 - No permanent facilities but will have portable toilets on site as well as hand washing stations;
 - Trash would be removed from the site after each event;
 - Parking area is proposed to be crushed gravel to reduce site runoff and allow for infiltration;
 - Utilizing Low Impact Development to retain and control water runoff for the site;
 - Two (2) Bio-retention Basins (rain garden style) with sand filtration located in the parking area;
 - Maintenance Plan was created for to reduce impact to the aquifer from fertilizer use and site cleanup;

- Anti-tracking pad would be placed at the entrance during the construction phase;
- Updated plans based on Staff review to be supplied after the meeting;
 - Fourteen Handicap parking spaces – ADA requirement;
 - Corrected notation for swale information;
 - Increasing
- Proposing gate at site entrance and one (1) security gate. Would require State approval to install gate on State land.
- Watson Bellows questioned if a gate was proposed for the walking path between 60 South Frontage Road and 135 Bolton Road. Applicant indicated the emergency access pathway did not have a gate proposed.
- Stanley Cohen questioned how cleanup of the site would be handled after each concert.
- Attorney Dorian R. Famiglietti indicated that the supplied Maintenance Plan outlined the entire cleanup program.
- Walter Mealy questioned the applicant regarding a Covenant in the Warranty Deed of May 2008.
- Attorney Dorian R. Famiglietti indicated that the area being developed is not part of the PA-490 dedication and would provide information to Staff for the file.
- Discussion was held regarding entrance to and searching of vehicles on the site.
- Chester Morgan questioned queuing on the entrance to the site.
- Watson Bellows requested the Police Chief to comment on the traffic
- Sarah Iacobello questioned the ability of concert patrons to safely cross from the 140 Bolton Road parking area and cleanup of the site after each concert.
- Attorney Famiglietti indicated additional details would be added to the Operations Manual for the adjacent off site parking areas.
- Attorney Dorian R. Famiglietti – 828 Spaces with a possible 2070 patrons to the venue.
- Watson Bellows suggested the Applicant/Owner hold a Town Hall meeting to inform surrounding neighbors of the proposed development.
- Chester Morgan, seconded by Francis Kaplan moved a Motion to Continue to the January 7, 2010 meeting. Motion carried unanimously.

4. Old Business

4.1 Plan of Conservation and Development

- Public Meeting scheduled for January 14, 2010 at the Senior Center.
- POCD meeting scheduled for February 11, 2010.
- Requesting Town Council to present to the commission at the next POCD meeting.
- Leonard Tundermann, Town Planner indicated that he would send invitations to the commissions and the Town Council for the Community Meeting.

5. New Business.

5.1 Receipt of Applications:

5.1.1 Application [PZ-2009-28] of Eric Kloter (Meadowbrook Hardware, LLC) for a Zone Change from Planned Residential Development (PRD) to Commercial (C) at #4 & #6 Regan Street (Assessor's ID: Map #22, Block #41, Lot/Parcel #17 & #18).

- **Application requires a Public Hearing by State Statute for Zone Change.**
- **Francis Kaplan, seconded by Sarah Iacobello moved a Motion to Receive and schedule a Public Hearing on February 4, 2010. Motion carried unanimously.**

6. Other Business

6.1 Additional business to be considered should be introduced under PZC meeting agenda item "#2.2 Amendment / Adoption of Agenda" at the beginning of the meeting.

7. Adjournment.

- **Sarah Iacobello, seconded by Stanley Cohen moved a Motion to adjourn. Motion carried unanimously.**
- **Meeting adjourned at 10:29 P.M.**

James Krupienski
Recording Secretary